

the issues for appeal”; and (4) “present additional claims without canceling a corresponding number of finally rejected claims.” In particular, the Examiner states that the proposed amendments introduce new limitations (a reagent to detect and analyze the subject markers) to finally rejected Claims 21, 23-34 and 40-45, and further adds new Claims 54-59; and that all such changes require additional search and consideration. Applicant respectfully disagrees.

The claim amendments were made to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention without altering the scope of the claims. New Claims 54-59 depend from Claim 34 and, as such, the subject matter of Claims 54-59 is embraced by Claim 34. Accordingly, the proposed amendments do not raise new issues that would require additional search or consideration or raise the issue of new matter.

Furthermore, Applicant amended Claims 21, 23, 24, 26, and 34 in response to the Examiner's rejections under 35 U.S.C. § 112, first and second paragraphs. As discussed in detail in the Amendment After Final, the proposed claim amendments obviate the rejections, thus reducing the issues for appeal.

With regard to the particular limitations noted by the Examiner (a reagent to detect and analyze the subject markers), the noted claim amendments were made in response to the rejections of Claims 21 and 23-34 under 35 U.S.C. § 112, first and second paragraphs, for omitting essential steps, particularly steps for contact, formation, separation, detection and correlation directed to the analysis of interest and steps for washing or removing unbound materials from the reaction solutions during detection of the marker proteins and for identifying reagent and sample contact. As discussed in the Amendment After Final, the amendments were made to obviate these rejections, thereby reducing the number of issues for appeal.

Request for Interview

Applicant's Attorney respectfully requests an interview with the Examiner before the mailing of the next Office Action.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that

a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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Dated: *June 12, 2002*